RESOLUTION AGREEMENT
Fife School District Number 417, OCR Reference Number 10-22-1309

Fife School District Number 417 enters into this resolution agreement (Agreement) to resolve compliance issues identified by the U.S. Department of Education, Office for Civil Rights (OCR) during its investigation of a complaint, OCR Reference Number 10-22-1309, regarding Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000d *et seq*., and its implementing regulation at 34 C.F.R. § 100, Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq*., and its implementing regulation, at 34 C.F.R. Part 106, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 *et seq*., and its implementing regulation, 28 C.F.R. Part 35.

I. TRAINING

A. Title IX Coordinator Training

1. The District will provide sex harassment training to its designated Title IX Coordinator(s). The individual providing the training will be qualified and have expertise in Title IX. The training will include, at a minimum: (1) how to identify conduct that constitutes sexual harassment; (2) what are supportive measures and how and when to inform parties of supportive measures; (3) the District's formal complaint procedure and how and when to inform parties of their right to file a formal complaint.

2. Reporting Provisions

   a. Within 60 days of the execution of this Agreement, the District will submit to OCR for review and approval a training plan, including a copy of proposed materials to be used for the training and information about the identity and qualifications of the trainer(s).

   b. Within 60 days of receiving OCR's written approval of the training plan, the District will provide OCR with documentation demonstrating its compliance with Section I.A.1, including the date of the training and the identity of the trainer.

B. Employee Training

1. The District will provide training on race, sex, and disability discrimination, to all employees at the XXXXX. The training will include instruction on: (1) recognizing, responding to, and preventing race, sex, and disability discrimination; (2) employee responsibilities under Title IX to address and appropriately report sexually harassing behavior, observed or reported; (3) their obligations under Title IX to offer "supportive measures," as defined at 34 C.F.R. §106.30, to "complainants," defined as individuals who are alleged to be the victims of sexual harassment that are designed to provide equal educational access, protect safety, or deter sex harassment; and (4) their obligation to inform

complainants about the process for filing a formal complaint. The training will be conducted by someone who is qualified and has expertise in Title IX.

2. Reporting Provisions

a. Within 60 days of the execution of this Agreement, the District will submit to OCR for review and approval a training plan, including a copy of proposed materials to be used for the training and information about the identity and qualifications of the trainer(s).

b. Within 60 days of receiving OCR's written approval of the training plan, the District will provide OCR with documentation demonstrating its compliance with Section I.B.1, including the date of the training, the identity of the trainer, and a list, by name and job position for the employee training, of each person who attended the training.

C. Student Training

1. The District will provide age-appropriate training to all students at the XXXXXXX and the XXXXXXX which receives students from the XXXXXXX on issues related to race, sex, and disability harassment, including: (1) what constitutes race, sex, and disability harassment; (2) the prohibition of race, sex, and disability harassment in the educational setting; (3) examples of prohibited conduct; (4) the importance of reporting harassment; (5) how and to whom to report incidents of harassment; (6) the District's obligation to respond promptly and effectively to all notice of race and disability harassment; (7) the school's duty under Title IX to provide students with information on how to file a formal complaint and the school's duty to offer supportive measures. The training will be conducted by someone who is qualified and has expertise in Title IX. Ten days before the training, the District will send a notice to all parents and/or legal guardians regarding the upcoming training. This notice will include a reminder of the importance of reporting incidents of race, sex, and disability harassment in any District program or activity to responsible employees.

2. Reporting Provisions

a. Within 60 days of the execution of this Agreement, the District will submit to OCR for review and approval a training plan for students, including a copy of proposed materials to be used for the trainings, and information about the identity and qualifications of the trainer(s).

b. Within 60 days of receiving OCR's written approval of the student training plan, the District will provide OCR with documentation demonstrating its compliance with Section I.C.1, including the date of the trainings, the identity of the trainer(s), and a list by grade and teacher for the classrooms that received the student training.

II. XXXXXX INCIDENT

A. The District will review the incident in XXXXXXX in which students were witnesses to race and disability-based harassment to determine whether a hostile environment existed for these students.

B. If the District determines that a hostile environment existed for the student-witnesses, the District will take steps to remedy the effects of the hostile environment that was created for these students, including identifying the students and providing the parents of each student a letter stating that the District does not tolerate harassment based on race and disability, the actions the District is taking to address reports of harassment based on race and disability, that their child has been identified as someone who may have been impacted by a hostile environment based on their knowledge of incidents of race- and disability-harassment in XXXX when they attended the XXXXX, and a written offer to provide the student with support services, as deemed necessary by the District and the parent to address the effects of the hostile environment on the student.

C. If an offer of support services is accepted, the District will provide all needed services by November 1, 2024, unless the timeframe is extended by mutual agreement between the District and the parent.

D. Reporting Requirements

1. Within 60 days of the execution of this Agreement, the District will provide OCR with documentation that it has taken the action described in Item II.A above, including a summary of all information obtained during its review, a copy of any written reports or other documents summarizing its conclusions, and the list of the students, if any, for whom a hostile environment existed.

2. Within 90 days of the execution of this Agreement, the District will provide OCR with documentation that it has taken the action described in Item II.B above, including a copy of the written offer of services sent to each parent and any relevant communications between the District and each parent/guardian. If an offer of services is accepted, the District will provide OCR the schedule of services that will be provided to each student.

3. By December 1, 2024, the District will provide OCR documentation that it has taken the actions described in Item III.C above.

III. INDIVIDUAL STUDENT REMEDY

A. The District will provide the parents/guardians of Student A a letter that:

1. Offers the parents/guardians the opportunity to file a formal complaint of sex discrimination regarding the January 2022 incident.

2. Offers to convene a meeting to discuss supportive services specifically to address the sex harassment and other support services to address any hostile

environment created by the race- and disability-based harassment in January 2022 incident.

3. Informs the parents/guardians of the corrective actions being taken by the District to satisfy the requirements of this Agreement.

B. Reporting Provisions

1. Within 30 days of the execution of this Agreement, the District will submit to OCR for review and approval the letter.

2. Within 30 days of receiving OCR's written approval of the letter, the District will provide OCR with documentation verifying it has provided a copy of the letter to the parents/guardians.

3. Within 30 days of the issuance of the letter, the District will provide OCR with a copy of the parents'/guardians' written response to the offer and documentation verifying the actions the District took in response, including any support services provided, if applicable.

IV. GENERAL MONITORING PRINCIPLES

A. By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of the Agreement.

B. The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and the statute(s) and regulation(s) at issue in the case.

C. The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 days to cure the alleged breach.

Signed:

_____/s/_____ ___5/31/24_____
Kevin Alfano Date
Superintendent